



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Patent application of : Group Art Unit:
Volkhard Lindner : 1644
Serial No.: 10/634,108 : Examiner:
Filed: August 4, 2003 : Maher Haddad
For: COMPOSITIONS, METHODS AND KITS : Attorney Docket No.:
RELATING TO REMODEL : 53689-5006-D11

DECLARATION OF VOLKHARD LINDNER UNDER 37 C.F.R. § 1.131

I, Volkhard Lindner, declare the following:

1. I have reviewed the office action mailed May 4, 2006, and the Examiner's rejection of claims 21, 37 and 43 as being anticipated by U.S. Pat. Publication 2004/0146862 of Mack et al. (hereinafter "Mack"), which has an earliest apparent priority date of March 15, 2000. This declaration is offered to establish that the subject matter of the instant invention was made in the United States prior to the earliest apparent priority date of Mack.

2. I am a joint inventor for the above captioned application (hereinafter "Applicant"). As such, I have the personal knowledge to set forth the facts stated herein.

3. The instant patent application is a divisional application of U.S. Patent Application No. 09/692,081 filed on October 19, 2000, now issued as U.S. Patent No. 6,630,325 ("the '325 patent").

4. SEQ ID NO:4, set forth in the instant specification, was identically set forth as SEQ ID NO:4 in the parent application, now the '325 patent.

5. I identified and sequenced SEQ ID NO:4 prior to March 15, 2000.

I declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; that these statements are made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code; and that willful false statements may jeopardize the validity of the application or any patent issuing thereon.

9/25/06

Date

V. Lindner

Volkhard Lindner, M.D., Ph.D.